

☞ **05hr_SSC-DNRRRR_Misc_pt04d**



☞ **These materials were grouped together.
For January 5, 2006 Cadott hearing?**

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate Select

(Assembly, Senate or Joint)

Committee on ... DNR (SSC-DNRRR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

ATTACHMENT I

Summary of Work Performed Pursuant To The Development Of A Wetland Compensatory Mitigation Bank In Sections 16 and 21, Township 28 North Range 8 West, Chippewa County Wisconsin. *(Conforms to Chapter NR350 Wetland Compensatory Mitigation and follows Guidelines for Wetland Compensatory Mitigation In Wisconsin – WDNR etal. February 2002.)*

County Initiates Project

- January 23, 2004: Chippewa County Highway Department (HWY) requests technical assistance from the Chippewa County Land Conservation Department (LCD) to develop a wetland compensatory mitigation bank.
- January 26, 2004: LCD (Dahlby) studies Chapter NR350 Wetland Compensatory Mitigation of Wisconsin Administrative Code and Guidelines for Wetland Compensatory Mitigation In Wisconsin – WDNR etal. February 2002 to confirm LCD understanding of wetland compensatory mitigation administrative rules and policy guidelines. LCD agrees to assist HWY.

County Selects Site

- February 2, 2004: LCD (Dahlby) performs GIS analysis to identify potential wetland restoration sites in close proximity to HWY projects and evaluates the sites relative to the general rules for a viable compensation site proposal (WDNR etal. 2002)
- April 1, 2004: HWY (Kern) schedules initial site review.
- April 15, 2004: HWY (Kern, Calabrese) and LCD (Dahlby) perform initial site review to confirm results of GIS analysis and identify the site with the best potential for restoration/enhancement.
- April 28, 2004: LCD meets with the owners of the site. Landowners authorize LCD to access the site for further investigation of potential for use as a wetland compensatory mitigation site.
- May 18, 2004: WDNR West-Central Region Staff (Koich) meets with LCD Staff (Dahlby, Nashold) to conduct pre-proposal site review. WDNR West-Central Region Staff advise site characteristics offer potential for wetland restoration and enhancement pursuant to NR 350, and that the County seek site review by WDNR West-Central Region Senior Wildlife Biologist (Dunn).
- May 20, 2004: LCD Staff (Dahlby) presents written report to Chippewa County Land Conservation Committee titled May 20, 2004: Status of Wetland Compensatory Mitigation Bank Siting Project including the tentative project timeline.
- June 02, 2004: WDNR West-Central Region Staff (Koich, Dunn) meet on-site with LCD Staff (Dahlby) to review preliminary design concept. WDNR West-Central Region Staff concludes that the proposed site has potential to receive wetland restoration and enhancement credit pursuant NR 350.

County Procures Option To Purchase Site & Conducts Preliminary Technical Work

June 4, 2004: HWY Commissioner selects site and authorizes LCD staff to serve as HWY technical agent. HWY Commissioner also authorizes LCD staff to negotiate an "Option To Purchase" with the landowners, as necessary to fully pursue the proposed wetland compensatory mitigation bank.

(NOTE: LCD here after referred to as HWY technical agent)

June 9, 2004: HWY technical agent (Dahlby) meets with Landowners to confirm HWY interest in 56.0 acres of land. Landowners state conditions of the "Option To Purchase" and agree to work from a certified real estate appraisal to set a purchase price.

July 14, 2004: Chippewa County Highway Committee authorizes HWY Staff to procure a real estate market appraisal for proposed site.

July 15, 2004: HWY staff (Kern) initiates appraisal.

August 6, 2004: HWY technical agent (Dahlby) meets on site with Real Estate Appraiser to inform the Appraiser of the boundaries of subject 56 acres of real estate.

August 9, 2004: Chippewa County Assistant Corporation Counsel (Sazama) drafts "Option To Purchase" for review by landowner and their legal counsel. Said Draft lists appraised fair market value as the purchase price.

August 16, 2004: HWY technical agent (Dahlby) receives Real Estate Appraisal Report.

August 27, 2004: HWY technical agent (Dahlby) meets with landowners to review Real Estate Appraisal Report and draft "Option To Purchase".

August 27, 2004: HWY technical agent (Dahlby) provides HWY Staff (Kern) draft "Option To Purchase" for review.

August 30, 2004: HWY technical agent (Dahlby) drafts a wetland compensatory mitigation bank prospectus for review by HWY Staff.

August 31, 2004: HWY technical agent (Dahlby) provides final "Option To Purchase" to landowners for review by their legal counsel.

September 10, 2004: Landowners Legal Counsel authorizes landowner to execute "Option To Purchase".

September 16, 2004: Landowners execute "Option To Purchase"

Step 1 of The Formal Process For Establishing A Bank

A prospective bank sponsor should first submit a bank prospectus to the lead agency to initiate formal agency involvement and review. (WDNR etal - 2002)

September 2, 2004: HWY technical agent (Dahlby) contacts WDNR Bureau of Fisheries Management and Habitat Protection staff (Trochlell) and current membership of Mitigation Bank Review Team (MBRT) to notify them of HWY's proposal to sponsor a wetland compensatory mitigation bank.

MBRT membership includes: (WDNR is Lead Agency)

WDNR - Pat Trochlell (608) 267-2453 patricia.trochlell@dnr.state.wi.us

USEPA - Kathy Garra (312) 886-0241 garra.catherine@epa.gov

USACOE - Jim Weinzierl (651) 290-5263 James.A.Weinzierl@mvp02.usace.army.mil

USDA-NRCS Bob Weihrouch (608) 662-4422 x267 robert.weihrouch@wi.usda.gov

USFWS- Leakhena Au (920) 866-1717 leakhena_au@fws.gov

September 8, 2004: HWY submits Bank Prospectus: Chippewa County Wetland Compensatory Mitigation Bank to Lead Agency (WDNR- Trochlell). MBRT membership receives an electronic copy.

Step 2 Of The Formal Process For Establishing A Bank

The lead agency will notify the members of the MBRT that a bank prospectus has been received by sending them a copy of it. A date for and interagency site meeting will be set (WDNR etal - 2002).

September 15, 2004: Lead Agency (WDNR-Trochlell) and MBRT schedule interagency site meeting for September 22, 2004.

September 22, 2004: MBRT conducts interagency site meeting. MBRT members present include WDNR (Trochlell), USDA-NRCS (Weihrouch), USACOE (Weinzierl), and USFWS (Au). Others present include HWY technical agents (Dahlby, Nashold).

September 23, 2004: Lead Agency (WDNR-Trochlell) provides (via email) MBRT and HWY technical agent with a summary of the interagency site meeting. The summary concluded that while the property does appear to warrant protection, it does not appear to be a viable candidate for development of a wetland compensatory mitigation bank site.

Bank Sponsor Requests Reconsideration of Preliminary Findings

September 27, 2004: HWY Staff (Kern) and technical agent (Dahlby) review Lead Agency (WDNR-Trochlell) summary of the interagency site meeting. HWY Staff (Kern) questions conclusion listed in summary and reaffirms HWY interest in the proposed project. Kern directs Dahlby to request that Lead Agency (WDNR-Trochlell) provide rationale for findings and an estimate of site's credit potential so that HWY commissioner may consider project viability.

October 6, 2004: HWY technical agent (Dahlby) contacts Lead Agency (WDNR-Trochlell) to review summary of interagency site meeting and to seek rational for findings. Lead Agency (WDNR-Trochlell) concludes that MBRT would reconsider preliminary findings if County conducts a hydrologic engineering analysis to confirm whether or not enhancements could be made to site hydrology.

**Bank Sponsor Performs Engineering Analysis of Site Hydrology
For Reconsideration of Preliminary Findings**

October 12, 2004: HWY technical agent (Dahlby) contacts USDA-NRCS member on MBRT (Weihrouch) to determine appropriate methods of hydrologic analysis.

- October 14, 2004: USDA-NRCS member on MBRT(Weihrouch) advises HWY technical agents (Dahlby, Nashold) to work with Area USDA-NRCS Hydraulic Engineer to calculate the impacts of the existing site hydrological manipulations (i.e. drainage ditches).
- October 15, 2004: HWY Staff (Kern) authorizes HWY technical agents (Dahlby, Nashold) to pursue hydrologic analysis per Lead Agency (WDNR-Trochlell) and USDA-NRCS (Weihrouch) recommendation.
- October 18, 2004: HWY technical agent (Nashold) works with Area USDA-NRCS Hydraulic Engineer (Drungil) to determine an appropriate hydrologic modeling methodology for site.
- October 25, 2004: HWY technical agent notifies Lead Agency (WDNR-Trochlell) that Bank Sponsor will pursue surface and sub surface hydrologic modeling per USDA-NRCS specifications.
- November 12, 2004: Land Conservation Committee arranges Legislative Tour of County on behalf of State Senator Zien. Tour includes overview of HWY's proposed wetland compensatory mitigation bank.
- December 16, 2004: LCD Staff (Dahlby) presents written report titled December 16, 2004: Status of Wetland Compensatory Mitigation Bank Project to Chippewa County Land Conservation Committee. Committee was informed of specific site selection. LCC directs staff to proceed with proposed project.
- December 20, 2004: HWY technical agents (Nashold, Borzick) perform surface and sub surface hydrologic modeling. Results of modeling conclude that the road ditch and agricultural drainage network affect site hydrology and degrade the site's wetland functional value.
- February 14, 2005: HWY technical agent (Dahlby) informs (email) Lead Agency (WDNR-Trochlell) of results of hydrologic analysis and seeks direction as how best to submit the results.
- March 2, 2005: HWY technical agent (Dahlby) submits report titled CHIPPEWA COUNTY WETLAND COMPENSATORY MITIGATION BANK: Original Prospectus Plus Appendage Containing Hydrological Analysis to Lead Agency and MBRT. HWY technical agent requests that Lead Agency provide an estimate of potential wetland mitigation credits by March 23, 2004.

Bank Sponsor Reports Data To Supplement Prospectus

- March 17, 2005: LCD Staff (Dahlby) presents written report to Chippewa County Land Conservation Committee titled Status of Wetland Compensatory Mitigation Bank Project. Committee was given a brief summary of the results and conclusion of CHIPPEWA COUNTY WETLAND COMPENSATORY MITIGATION BANK: Original Prospectus Plus Appendage Containing Hydrological Analysis.
- March 17, 2005: Lead Agency (Trochlell) informs (voice mail) HWY technical agent (Dahlby) that a technical subgroup of the MBRT (Trochlell and USDA-NRCS (Bob Weihrouch)) reviewed the March 2, 2005 wetland compensatory mitigation bank submittal. Technical subgroup of MBRT estimate the revised preliminary design concept warrants 15 credits.
- March 17, 2005: HWY technical agents (D. Masterpole, D. Nashold, M. Dahlby) conduct teleconference with Lead Agency (Trochlell) to review methods, assumptions, and rationale used to proportion 15 credits. HWY technical agents convey opinion that NR350, WDNR policy guidelines, and results of hydrologic modeling suggest the proposed restoration /

enhancement activity can achieve a minimum of 20 credits. Trochlell recommends HWY technical agents work with USDA-NRCS (Weihrouch) to review hydrologic analysis.

March 17, 2005: U.S. Army Corps of Engineers (COE - Weinzierl) contacts HWY technical agent (Dahlby) to acknowledge COE's receipt of CHIPPEWA COUNTY WETLAND COMPENSATORY MITIGATION BANK: Original Prospectus Plus Appendage Containing Hydrological Analysis.

March 18, 2005: HWY technical agents (Nashold, Dahlby) conduct teleconference with USDA-NRCS (Weihrouch) to review assumptions of the hydrologic analysis and the proposed restoration design as understood by the MBRT technical subgroup. Teleconference results in mutual conclusion that the hydrologic review conducted by the technical subgroup overlooked the full extent of previous hydrologic manipulation and therefore did not account for a component (i.e. culvert installation under 40th Ave as proposed to covey 56 acres of surface runoff which originally contributed to the site). USDA-NRCS provides additional technical guidance relative to the restoration design proposal.

MBRT Gives Preliminary Consideration To Supplemental Prospectus Data

March 21, 2005: HWY technical agent (Dahlby) informs (email and voice mail) Lead Agency (Trochlell) of the results of the March 18, 2005 hydrologic discussion with USDA-NRCS (Weihrouch). Lead Agency (Trochlell) provides email to HWY technical agent (Dahlby) indicating that, given her current understanding, no more than 15 credits would be available.

March 23, 2004: HWY commissioner requests that HWY technical agent provide written summary of activities to date.

Current Status: Formal written response from Lead Agency is pending until MBRT technical subgroup is able to reconvene to consider the full extent of previous hydrologic manipulation and proposed restoration design.
As of
4/26/05

April 18, 2005: HWY technical agent (Dahlby) forwards written inquiry to Lead Agency (Trochlell) requesting information as to when sponsor will receive the written response to the March 2, 2005 wetland compensatory mitigation bank submittal.

April 26, 2005: HWY technical agent (Dahlby) forwards inquiry (email) inquiry to Lead Agency (Trochlell) to confirm receipt of April 18, 2005 letter and request information as to when sponsor will receive the written response to the March 2, 2005 wetland compensatory mitigation bank submittal.

May 2, 2005: HWY technical agent (Dahlby) forwards inquiry (email) inquiry to Lead Agency (Trochlell) asking if Lead Agency believes they have already provided the written response to the March 2, 2005 wetland compensatory mitigation bank submittal and, if not, request information as to when sponsor will receive the formal response.

May 4, 2005: Lead Agency (Trochlell) contacts (phone and email) Hwy technical agent (Dahlby) to confirm they can send a formal written letter restating information sent (email dated March 21, 2005) previously. HWY technical agent (Dahlby) restates Sponsor's intent to proceed with proposed project and informs Lead Agency of Sponsor's timeframe for acquiring the site.

May 5, 2005: HWY technical agent (Dahlby) summarizes (email) May 4, 2005 communications, restates limited timeframe for site acquisition, and requests Lead Agency response to

confirm accuracy of summary and provide information as to when sponsor will receive the written response to the March 2, 2005 wetland compensatory mitigation bank submittal.

Current Status:
As of
May 19, 2005

Formal written response from Lead Agency is pending. Lead Agency has provided no confirmation of when we might expect the same.

Step 3 Of The Formal Process For Establishing A Bank

Based on the interagency meeting and a site visit, the lead agency will provide a written response to the prospective bank sponsor indicating likelihood for compliance with these guidelines and other state and federal regulations (WDNR etal - 2002).

Step 4 Of The Formal Process For Establishing A Bank

Based on comments and suggestions of the MBRT, the prospective bank sponsor will prepare a draft bank document (WDNR etal - 2002) .

Step 5 Of The Formal Process For Establishing A Bank

The DNR will provide notice to the public that a draft Bank Document has been submitted and will make copies of any of the plans and other documentation available for review by any person who requests such (WDNR etal - 2002).

Step 6 Of The Formal Process For Establishing A Bank

The bank sponsor will complete the Bank Document and Compensation Site Plan(s) and submit them for review by the MBRT and approval by the lead agency. The MBRT will advise the bank sponsor as to the initial credit estimate for the bank site(WDNR etal - 2002) .

Step 7 Of The Formal Process For Establishing A Bank

The lead agency will confirm in writing acceptance of the Bank Document(WDNR etal - 2002) .

Step 8 Of The Formal Process For Establishing A Bank

DNR will provide public notice that the Bank Document has been signed and the bank will be added to the statewide registry of approved bank (WDNR etal - 2002).

rich kern

From: "Mike Dahlby" <mdahlby@co.chippewa.wi.us>
To: "Commissioner Stelzner" <bstelzner@co.chippewa.wi.us>
Cc: "Dan Masterpole" <dmasterpole@co.chippewa.wi.us>; "Rich Kern (Hwy Proj. Mngr)" <RKern@co.chippewa.wi.us>; "Pat Calabrese" <PCalabrese@co.chippewa.wi.us>; "Scott Humrickhouse" <humris@dnr.state.wi.us>
Sent: Thursday, May 19, 2005 2:18 PM
Attach: Summary of Work on Bank Proposal.doc
Subject: Update on your proposed wetand compensatory mitagtion bank

Commissioner Stelzner:

I'm writing to update you and your management staff on the status of your proposal to establish a wetland compensatory mitigation bank.

Please find the attached "Summary of Work on Bank Proposal.doc". The updates start with April 18, 2005 and continue through today.

Despite repeated requests, we have not yet received a formal written response to your March 2, 2005 wetland compensatory mitigation bank submittal; nor have we received any commitment from the Lead Agency (DNR) as to when you may expect to receive one. *(I've listed Mr. Humrickhouse to receive a copy of this message so that he is kept abreast on the lack of communication by Lead Agency.)*

The Lead Agency has been informed that you desire to proceed with the process of establishing a wetland compensatory mitigation bank. The Lead Agency was informed of the date when your original "Option To Purchase" expired and is aware that your extension expires this month.

Our department intends to continue to serve you in a technical capacity. We will continue to seek the formal written response that you need to acquire the subject real estate. If you have administrative options that may be more effective in acquiring the formal written response or obtaining a commitment as to when you may expect one, please feel free to exercise them.

Please contact me directly at 726-7921 if I may be of any assistance.

Yours truly,

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